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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PIEKEN *et al.*

SERIAL NO.: 09/845,742

FILED: MAY 01, 2001

TITLE: METHOD FOR IMMOBILIZING
OLIGONUCLEOTIDES EMPLOYING THE
CYCLOADDITION BIOCONJUGATION
METHOD

EXAMINER: RILEY, J.

ART UNIT: 1637

CONF. NO. 3461

JUST. NO. 25871

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 CFR § 1.112

Dear Sir:

I, Wolfgang Pieken, do hereby declare as follows:

1. I am a co-inventor of the above-captioned patent application.
2. Claims 1-8, 11-18 and 21 of the above-captioned patent application have been rejected under 35 U.S.C. § 102(e) as being anticipated by Pieken *et al.*, U.S. Pat. No. 5,874,532.
3. Any unclaimed invention disclosed in the issued patent was derived from the inventor of the above-captioned application and thus, is not the invention "by another."
4. Any unclaimed invention in the prior issued patent was conceived by the inventor commonly named in said patent and the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 4.3.2004

By:

Wolfgang Pieken